

**PD-\_\_\_\_-18**  
In the Court of Criminal Appeals of Texas  
At Austin

FILED  
COURT OF CRIMINAL APPEALS  
10/2/2018  
DEANA WILLIAMSON, CLERK

—◆—  
**Nos. 14-15-01005-CR & 14-15-01006-CR**  
In the Court of Appeals  
For the Fourteenth District of Texas  
At Houston

—◆—  
**Nos. 1374837 & 1374838**  
In the 177<sup>th</sup> District Court  
Of Harris County, Texas

—◆—  
**Nathan Ray Foreman**  
*Appellant*

*v.*

**The State of Texas**  
*Appellee*

—◆—  
**State's First Motion for Extension of Time  
To File Petition for Discretionary Review**  
—◆—

To the Honorable Court of Appeals:

The State of Texas asks for a 15-day extension of time in which to file its petition for discretionary review. The following facts are relevant:

1. The appellant was indicted for aggravated robbery and aggravated kidnapping. (1 CR 17; 2 CR 15).<sup>1</sup> The indictments contained an

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<sup>1</sup> For ease of citation, the State will refer to the clerk's records in these cases as though they were sequential volumes. Thus the record for cause 1374837 will be 1 CR, and the

enhancement paragraph alleging that the appellant had a prior felony conviction. (1 CR 17; 2 CR 15). The appellant pleaded not guilty, but a jury found him guilty as charged. (3 RR 27-28; 1 CR 242; 2 CR 256). The appellant pleaded “true” to the enhancements and the trial court assessed punishment at 50 years’ confinement for each case, to run concurrently. (1 CR 243; 2 CR 243). The trial court certified the appellant’s right of appeal, and the appellant filed a timely notice of appeal for both cases. (1 CR 246, 247; 2 CR 260).

2. On August 10, 2017, a divided panel of the Fourteenth Court affirmed the trial court, with one justice concurring and one justice dissenting. The appellant filed a motion for en banc reconsideration, which was granted.
3. On August 31, 2018, The *en banc* Fourteenth Court issued a published opinion reversing the trial court. *Foreman v. State*, \_\_\_ S.W.3d \_\_\_, No. 14-15-01005-CR, 2018 WL 4183716 (Tex. App.—Houston [14th Dist.] Aug. 31, 2018, pet. filed). Two justices dissented. *Id.* at \*19, 21 (ops. of Jamison, J., and Donovan, J., dissenting). This is the State’s first request for extension.

4. The State's petition for discretionary review is due October 1, 2018.
5. This is the State's first request for extension.
6. There are three opinions in this case, one of which is quite long and detailed. This is taking somewhat longer than usual to draft a PDR.
7. Since the *en banc* opinion was released on August 31, the undersigned attorney has worked on the following appellate matters:
  - a. Gustavo Aybar  
Nos. 01-18-00018-CR, 01-18-00019-CR & 01-18-00020-CR  
Brief filed August 31, 2018
  - b. Vincent Depaul Stredic  
No. 14-18-00162-CR  
Brief filed September 5, 2018
  - c. Daniel Lee Harrison  
Nos. 01-18-00150-CR & 01-18-00151-CR  
Brief filed September 6, 2018
  - d. Daniel Moreno  
No. 14-18-00113-CR  
Brief Filed September 10, 2018
  - e. Lesley Diamond  
No. 14-17-00005-CR  
Motion for rehearing filed September 11, 2018
  - f. Damon Milton  
No. PD-0207-18  
Oral argument scheduled for October 3, 2018

8. The undersigned attorney has two other active cases assigned to him and is attempting to submit briefs in a timely manner.

WHEREFORE, the State prays that this Court will grant the requested extension.

Respectfully submitted,

/s/ C.A. Morgan

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## **Certificate of Service**

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/s/ C.A. Morgan  
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Date: October 1, 2018